REMARKS/ARGUMENTS

Applicants have received the final Office Action dated March 14, 2005, in which the Examiner rejected claims 1-5, 8-14 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over Nair (U.S. Pat. No. 6,318,965) and further in view of Sekiguchi (U.S. Pat. No. 6,398,505, White (U.S. Pat. No. 2002/0010881) and Beeghly (U.S. Pat. No. 4,336,463). Applicants file this Preliminary Amendment in conjunction with a Request for Continued Examination (RCE) to amend previously rejected claims 1, 10-12, and 17-19 and introduce new claims 22-25. Based on the arguments below, Applicants believe all currently pending claims to be allowable over the art of record.

I. THE ART REJECTIONS

Applicants amend claim 1 to specify that the fan controllers are interconnected by a fault signal which, "when asserted, is used to transmit fault information between the fan controllers ... and which remains asserted even when a fault associated with said fault information subsides." Applicants also amend claim 1 to specify that "at least one of the fan controllers can cause a fan to spin while not causing another fan to spin to thereby test the fan caused to be spun." Applicants believe the art of record is silent with regard to either or both of these limitations and thus assert that claim 1 and all claims dependent therefrom are allowable over the art of record.

Applicants introduce new dependent claims 22 and 23 which introduce further patentable limitations. For example, claim 22 specifies that "fault signal remains asserted until cleared by said host processor." Claim 23 specifies that "said at least one fan controller causes said fan that was caused to be spun to cease spinning and causes another fan to be spun to thereby test set other fan." Applicants do not find the combination of limitations in claims 22 and 23 to be in the art of record. For these additional reasons claims 22 and 23 are patentable.

Applicants amend independent claim 10 in several regards. First Applicants amend the claim to refer to "first and second serially arranged fans." This amendment resulted in amendments being made to dependent claims 11, 12, and 17. Applicants also amend claim 18 to maintain consistency with the

amended language of claim 10. Second, Applicants amend claim 10 to specify that "said I/O fault signal remains asserted even when a fault associated with the fault information subsides." Third, Applicants amend claim 10 to specify that "said register includes a second bit that can be programmed to cause the first fan to spin while precluding the second fan from spinning to thereby test the first fan." Applicants do not find the combination of limitations in claim 10 in the art of record. Accordingly, Applicants believe claim 10 and all claims dependent on claim 10 are allowable over the art of record.

Applicants submit new dependent claims 24 and 25 to add further limitations not found in the art of record.

Applicants amend method claim 19 to specify "continuing to transmit said fault information even when a fault associated with said fault information subsides" and "testing said fan by causing said fan to spin while precluding a second fan from spinning and then testing said second fan by causing said second fan to spin while precluding the previously spinning fan from spinning." Applicants do not find this combination of limitations in the art of record and accordingly believe claim 19 and all claims dependent thereon are patentable over the art of record.

II. THE ART REJECTIONS

The Examiner relied on Beeghly in rejecting all claims as obvious. Beeghly is owned by "The Economy Engine Company" and is directed to an "annunciator device for an internal combustion engine." Col. 1, lines 41-43. The subject matter of Beeghly (internal combustion engines) has nothing to do with Applicants' field of endeavor (fan control techniques and associated apparatus for computers). Further, Beeghly makes absolutely no reference to a fan. Applicants submit that one of ordinary skill in the art would not have been motivated to consult Beeghly. *See In re Clay*, 966 F.2d 656 (Fed. Cir. 1992) (reversing PTO rejection on grounds that the Examiner's rejection was based non-analogous prior art). The MPEP makes this point abundantly clear in stating that "[t]o rely on a reference under 35 U.S.C. § 103, it must be analogous prior art." MPEP

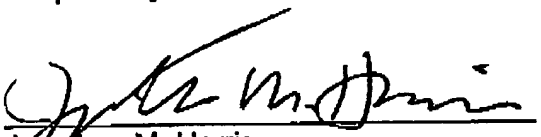
§ 2141.01(a). Beeghly clear comprises non-analogous art and, as such, cannot as a matter of law be used to reject claim 1.

III. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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